

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2023-24 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)¹

COURSE	LAW 343 Mental Health Law
UNIT VALUE	1.5 Units (3 hours of instruction per week)
INSTRUCTORS	Laura Johnston
TERM OFFERED	Spring 2024
CLASS TIMES	See Schedule
PREREQUISITES/COREQUISITE	None.

OBJECTIVES AND COURSE DESCRIPTION

This seminar will:

- Canvass constitutional and legislative frameworks governing civil detention and involuntary interventions in the lives of people with mental disabilities (an imperfect umbrella term for people with brain injuries, intellectual disabilities, dementia, substance use-related diagnoses, psychiatric diagnoses etc).
- Introduce students to several different substantive areas of civil law where state action can impact the autonomy and human rights of people with mental disabilities.
- Identify relevant rights from the *Canadian Charter of Rights and Freedoms*, international human rights instruments, and domestic statutory and common law rights that are impacted by state interventions.
- Promote critical analysis of the tensions between state interventions and the rights of people with mental disabilities through course themes such as *parens patriae* obligations, disability rights, and therapeutic jurisprudence.
- Equip students for the practical and ethical opportunities and challenges in providing legal services to a client with a mental disability or a client who is taking steps that impact the rights of someone with a mental disability, with a particular focus on improving access to justice.

METHODOLOGY

This online seminar will involve a mix of lectures, problem-based learning, documentaries, guest speakers, and discussions, including some student-led discussion.

EXPECTED EVALUATION METHODOLOGY

- Participation (15%) – Participation is strongly encouraged in this class and this portion of the grade will be based on attendance, preparation, and engagement in the class. Students will sign up for one class to participate as an “on-deck” student to guide class discussion with questions. Note: if students experience barriers to participation in verbal class discussions, alternatives can be arranged.
- Assignment (10%) – Students will observe a mock Mental Health Review Board hearing with guests who routinely play a role in tribunal hearings. Students will adjudicate the hearing as mock tribunal members and write brief reasons for their decision to engage in an application of the statutory criteria for mental health detention.
- Final exam (75%) – The final exam will be a take-home exam made available over Brightspace. It will consist of a combination of hypothetical scenarios that require students to apply law to facts and essay questions that require students to integrate and analyze themes covered throughout course materials and class discussions.

June 2023

¹ The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, Law Student Services (law.studentservices@uvic.ca).